

02-14-02

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Atty Dkt No. 0800-0005.05  
Client No. 1001.CON  
PATENT

JC858 U.S. PTO  
10/074302  
02/11/02

## REQUEST FOR FILING CONTINUATION/DIVISIONAL APPLICATION

Box Patent Application  
Assistant Commissioner for Patents  
Washington, D.C. 20231

- ☒ "Express Mail" Mailing Label No. EV 036 420 132 US Date of Deposit 11 February 2002  
I hereby certify that this paper or fee is being deposited with the United States Postal Service  
"Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above  
and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

PATRICIA K. HINENB

(Typed or Printed Name of Person Mailing Paper or Fee)

Patricia K. Hinenb

(Signature of Person Mailing Paper or Fee)

Sir:

This is a request for filing a X continuation    divisional application under 37 C.F.R.  
1.53(b)(1), of pending prior application serial no. 09/450,083 filed on November 29, 1999, of Peter  
COLOSI for HIGH-EFFICIENCY WILD-TYPE-FREE AAV HELPER FUNCTIONS.

1. X Enclosed is an application filed under 37 C.F.R. 1.53(b)(1). No new matter has been added.
2. X Applicant(s) claim(s) small entity status.
3. X The filing fee is calculated below:

A.	Basic Application Fee		\$740
B.	Total Claims 25 - 20 = 5	x \$18	\$90
C.	Independent Claims 2 - 3 = 0	x \$84	0
D.	If multiple claims present, add	\$280	0
E.	Total Application Fee (Total of A, B, C & D)	=	<u>\$830</u>
F.	If small entity status is claimed, reduce Total Application Fee by 50%		<u>\$415</u>
G.	Total Fee Due (E - F)	=	\$415

4. X The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 18-1648.
5. X A check to cover the \$415 application fee is attached.
6.    Cancel in this application original claims \* of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
7. X The inventor(s) of the invention being claimed in this application is (are): Peter Colosi.
8.    This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.53(b)(1), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application: \*.
9. X Amend the specification by inserting before the first line the sentence:  
This application is a X continuation    divisional of U.S. Patent Application Serial No. 09/450,083, filed November 29, 1999, from which application(s) priority is claimed pursuant to 35 U.S.C. §120 and which application(s) are incorporated herein by reference in its(their) entirety(entireties).
10. X The prior application is assigned of record to Avigen, Inc.
11.    A preliminary amendment is enclosed.
12. X Also enclosed: Blanket Petition for Extension of Time and Authorization to Charge or Credit Deposit Account and a Request to Use Computer Readable Form of the Sequence Listing.
13. X The power of attorney in the prior application is to Roberta L. Robins, Reg. No. 33,208.
- a.    The power appears in the original papers in the prior application.
- b. X Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. X Recognize the following individual(s) as Associate Attorneys: Narinder S. Banait, Reg. No. 43,482 of Robins & Pasternak LLP.
- d. X Address all future communications to Roberta L. Robins at:
- X ROBINS & PASTERNAK LLP  
545 Middlefield Road, Ste. 180  
Menlo Park, CA 94025  
phone: (650) 325-7812  
fax: (650) 325-7823.

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PATRICIA K. HEMERES  
Typed or Printed Name of Person Mailing Paper or Fee

Patricia K. Hemeres  
Signature of Person Mailing Paper or Fee

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Peter COLOSI

Serial No.: (Prior: 09/450,083)

Group Art Unit: (Prior: 1636)

Filing Date: (Prior: 11/29/1999)

Examiner: (Prior: K. Katcheres)

Title: HIGH-EFFICIENCY WILD-TYPE-FREE AAV HELPER FUNCTIONS

**REQUEST TO USE COMPUTER READABLE  
FORM FROM ANOTHER APPLICATION**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

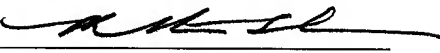
The computer readable form in this application, is identical with that filed in application number 09/450,083, filed November 29, 1999. In accordance with 37 CFR §1.821(e), please use the last-filed computer readable form filed in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant application. A paper copy

Atty Dkt 0800-0005.05  
1001.CON

of the Sequence Listing is attached to the application.

Respectfully submitted,

Date: 2/11/02

By:   
Roberta L. Robins  
Registration No. 33,208

ROBINS & PASTERNAK LLP  
90 Middlefield Road, Suite 200  
Menlo Park, CA 94025  
Telephone: 650-325-7812  
Facsimile: 650-325-7823

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Peter Colosi )  
Serial No.: \_\_\_\_\_ )  
(Continuation of 09/143,270, filed August 28, 1998) )  
Filed: November 29, 1999 )  
For: HIGH-EFFICIENCY WILD-TYPE-FREE AAV HELPER )  
FUNCTIONS )

STATEMENT UNDER 37 C.F.R. § 1.821

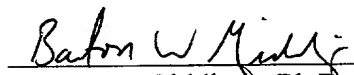
Box Patent Application  
Assistant Commissioner  
for Patents  
Washington, D.C. 20231

Dear Sir:

This application (hereinafter "the continuation application") is a continuation of co-pending United States Patent Application Serial No. 09/143,270 of Peter Colosi, filed August 28, 1998 (hereinafter "the parent application"). A Sequence Listing, including a computer readable form, was submitted with the parent application. The paper copy of the Sequence Listing submitted in connection with the continuation application is identical to the paper copy of the Sequence Listing submitted in connection with the case of the parent application.

The paper copy of the Sequence Listing submitted in the above-referenced continuation application is identical to the computer readable form submitted with the parent application. The paper copy of the Sequence Listing submitted in the above-referenced continuation case adds no new matter. The Applicant requests that the computer readable form submitted in the case of the parent application be used in the case of the continuation application.

Respectfully submitted,



Barton W. Giddings, Ph.D.

Reg. No. 41,036

Attorney for Applicants

Date: November 29, 1999

MADSON & METCALF  
Gateway Tower West  
15 West South Temple, Suite 900  
Salt Lake City, Utah 84101  
Telephone: 801/537-1700

f:\allshared\all clients\2555 Avigen\2555.2.1 Statement821.wpd

2/11/02  
(date)

Roberta L. Robins

Roberta L. Robins  
Reg. No. 33,208

Address of signator:

☐ inventor(s)  
☐ assignee of complete interest  
☒ attorney or agent of record

☐ filed under § 1.34(a)



31048

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PATRICIA K. HERNANDEZ  
Typed or Printed Name of Person Mailing Paper or Fee

Patricia K. Hernandez  
Signature of Person Mailing Paper or Fee

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Peter COLOSI

Serial No.: (Prior: 09/450,083)

Group Art Unit: (Prior: 1636)

Filing Date: (Prior: 11/29/1999)

Examiner: (Prior: K. Katcherer)

Title: HIGH-EFFICIENCY WILD-TYPE-FREE AAV HELPER FUNCTIONS

**BLANKET PETITION FOR EXTENSION OF TIME AND  
AUTHORIZATION TO CHARGE OR CREDIT DEPOSIT ACCOUNT**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

If a paper is untimely filed in this application or any file wrapper continuation application derived therefrom by applicant(s) or her/his/their representative, the Commissioner is hereby petitioned under 37 C.F.R. § 1.136(a) for the minimum extension of time required to make said paper timely. In the event a petition for extension of time is made under the provisions of this paragraph, the Commissioner is hereby requested to charge any fee required under 37 C.F.R. § 1.17(a)-(d) to Deposit Account No. 18-1648. This, however, is not authorization to pay the issue fee.

If a paper is concurrently or subsequently filed in this application or any file wrapper continuation application derived therefrom by applicant(s) or her/his/their representative and a fee under 37 C.F.R. §§ 1.16-1.17 is required to effect any amendment, petition or other action requested in said paper, the Commissioner is hereby requested to charge any deficiency in said fee, or credit any overpayment of said fee, to Deposit Account No. 18-1648. This, however, is not authorization to pay the issue fee.

Respectfully submitted,

Date: 2/11/02

By: Roberta L. Robins  
Roberta L. Robins  
Registration No. 33,208

ROBINS & PASTERNAK LLP  
90 Middlefield Road, Suite 200  
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